

May 7, 2015

The Honorable Fred Upton
Chairman
House Energy and Commerce Committee
2125 Rayburn House Office Building
Washington, DC 20515

The Honorable Frank Pallone
Ranking Member
House Energy and Commerce Committee
2322A Rayburn House Office Building
Washington, DC 20515

Dear Chairman Upton and Ranking Member Pallone:

CVS Health appreciates the opportunity to comment on the committee's 21st Century Cures draft proposal. We commend you for this important effort to improve the delivery of health care to patients. CVS Health supports a number of the provisions included in the draft proposal. We have also included a few recommendations to help ensure patients have access to affordable medicines and services through the growing use of medical technology. Our comments center around **CMS data-sharing encouraging the use of telehealth in Medicare, creating the Medicare pharmaceutical and technology ombudsman, preventing fraud and abuse in Medicare Prescription Drug Programs (PDPs), and expanded drug exclusivity.**

We look forward to working with you, as you to advance legislation that leads to 21st Century Cures. As one of the country's largest pharmacy benefits manager, CVS Health touches more than 65 million Americans through 2,200 clients who provide health coverage. There are more than 26,000 pharmacists and more than 7,700 CVS/pharmacy retail stores within our company. CVS Health is also a leading specialty and mail service pharmacy provider. Our 900 MinuteClinic locations employ more than 2,500 combined nurse practitioners and physician assistants, who provide convenient access to routine health care services. CVS Health is also a leading provider of Medicare prescription drugs and health care services. We offer our comments on the draft legislation below.

Advancing Telehealth Opportunities in Medicare (Section 3021)

We are pleased that the committee has a placeholder for advancing telehealth in Medicare. Medicare beneficiaries should have increased access to telehealth services as commercial patients do, and CVS Health has been working with the Alliance for Connected Care on policy solutions with this goal in mind. We look forward to working with you on this important issue and reviewing and providing comments when it is available.

Medicare Pharmaceutical and Technology Ombudsman (Section 3101)

We appreciate that the committee would like to provide an additional resource for those negatively impacted by adverse policy decisions at CMS. However, this provision creates an unlevel playing field in favor of pharmaceutical and device manufacturers within CMS where no such advocate exists for other federal partners, including payers, at FDA or CMS.

Establishing a Part D Safe Pharmacy Program (Section 3151)

CVS Health supports this section designed to address the incredibly damaging and costly scourge of drug abuse in the Medicare beneficiary population. This provision would make it more difficult for Medicare beneficiaries to use the Medicare Part D benefit to abuse drugs by utilizing different pharmacies, thus inhibiting efforts to identify and stem abuse. We encourage the committee to add language requesting that the Secretary accept stakeholder input when implementing key provisions in this section including the establishment of drug safety criteria.

The previous draft bill included an e-prescribing provision and a provision improving activities of Medicare Drug Integrity Contractors (MEDICs). While these provisions have been removed from this draft, we hope to work with the committee on these important issues in the future.

Additional Exclusivity (Subtitle I Placeholder)

We understand that the committee wishes to encourage and expedite life-saving cures for those patients most in need. We support these efforts when they are balanced appropriately with cost savings initiatives. CVS Health is concerned about expanding exclusivity and the impact that would have on the affordability of medications. We look forward to offering further comments when further language is available related to the section titled "Repurposing drugs for serious and life-threatening diseases and conditions." We want to work with the committee to identify additional tools that can help patients' access new therapies at an affordable price and help them remain adherent to their medications.

Conclusion

Given CVS Health's varied and extensive experience operating in the current health care system, we sincerely applaud the committee's work on 21st Century Cures and look forward to collaborating with the committee to further enhance the health care system.

Thank you for seeking input from stakeholders such as CVS Health on your draft legislative proposal. If you have questions on any of the policy recommendations noted above, please contact me at 202-760-0156 or at ann.walker-jenkins@cvshealth.com.

Sincerely,

A handwritten signature in black ink that reads "Ann Walker-Jenkins". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Ann Walker-Jenkins
Director, Federal Government Affairs